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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,923	03/03/2004	Raymond K. Selander	IFF-74	3820
48080	7590	09/26/2005		
INTERNATIONAL FLAVORS & FRAGRANCES INC. 521 WEST 57TH ST NEW YORK, NY 10019			EXAMINER FULLER, RODNEY EVAN	
			ART UNIT 2851	PAPER NUMBER

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/791,923

Applicant(s)

SELANDER ET AL.

Examiner

Rodney E. Fuller

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

RODNEY FULLER
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 3/3/2004

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract exceed 150-words. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following items:

- a. All reference numbers on pages 4 to 7 are underlined. Underlining is typically used in an amendment to indicate the addition of characters or words.

Reference numbers listed in the Specification are often bolded.

- b. Page 5, line 15 of the Specification states "disclosed in U.S. Patent No. 6,654,664 – Manne and in ...". However, the inventor of U.S. Patent No. 6,654,664 is Chiao and not Manne. (See IDS, dated March 3, 2004)

- c. On pages 6 – 7 of the Specification the reference number "236" for (1) "fragrance chemicals," (2) "port or wells," (3) "ports" and (4) "turret".

Appropriate correction is required.

Drawings

4. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the current drawings are informal.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Nelson (US 6,783,084).

Regarding claims 1, 10, 11, 17, 23 and 24, Nelson discloses “a multimedia source (column 6, lines 8-10) comprising at least one audiovisual signal connected to an audiovisual display, and fragrance information synchronized (column 6, line 7) with the audiovisual signal; a fragrance generator (column 2, lines 60-63) for processing said fragrance information into a fragrance signal; at least one fragrance control system

(column 2, line 60) that accepts a fragrance signal as an input, and generates a control signal and a burst of compressed gas (column 4, line 16); and a fragrance delivery system comprising a plurality of fragrance chemicals (column 4, lines 7-10) in communication with the compressed gas, whereby at least one of said fragrance chemicals is volatilized and the volatilized fragrance is collected and sensed by a subject (column 2, lines 42-45)."

Regarding claims 2, 19 and 25, Nelson discloses "wherein the fragrance delivery system comprises an indexing turret containing a plurality of ports, each port containing one of said plurality of fragrance chemicals." (Fig. 4, ref.# 48, 50, 58; column 4, lines 7-10)

Regarding claims 3, 20 and 26, Nelson discloses "wherein the multiport valve contains an absorbent material impregnated with a fragrance in each port." (column 4, line 9)

Regarding claim 4, Nelson discloses "wherein the delivery system comprises a miniature multiport valve." (Fig. 5, ref.# 59)

Regarding claim 5, Nelson discloses "further comprising a transmitter connected to the fragrance generator and a receiver connected to the fragrance creation system, whereby the transmitter sends the fragrance signals to the receiver." (column 2, line 65 – column 3, line 2)

Regarding claim 6, Nelson discloses "wherein the fragrance control system comprises a source of compressed gas regulated by a microprocessor." (column 2, line 61)

Regarding claim 7, Nelson discloses "wherein the source of compressed gas is a compressor." (Fig. 5, ref.# 54)

Regarding claim 8, Nelson discloses "wherein the source of compressed gas is a vessel." (Fig. 5, ref.# 54)

Regarding claim 9, Nelson discloses "wherein the source of compressed gas contains a gas selected from the group comprising: carbon dioxide, air, nitrogen, and oxygen." (column 2, line 25)

Regarding claims 12, 21 and 27, Nelson discloses "wherein the burst of compressed gas is followed by a purging burst of compressed gas that clears fragrance chemicals from the apparatus." (column 2, lines 34-37)

Regarding claims 13 and 15, Nelson discloses "wherein the fragrance control system is mounted on a user's body." (Fig. 8, ref.# 1, 110)

Regarding claims 14 and 16, Nelson discloses "wherein the fragrance control system is mounted on a chair." (Fig. 8, ref.# S)

Regarding claim 18, Nelson discloses "wherein the signal contained within the audiovisual medium is transmitted via and RF transmitter to a RF receiver connected to the fragrance creation system." (column 2, line 65 – column 3, line 2)

Regarding claim 22, Nelson discloses "wherein the signal contained with the audiovisual medium is transmitted via an infrared transmitter to an infrared receiver connected to the fragrance creation system." (column 2, line 65 – column 3, line 2)

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Manne (US 6,803,987), Schermerhorn (US 6,744,488), Martin (US 5,898,475), Martin (US 5,610,674) and McCarthy (US 4,603,030) each disclose a fragrance delivery system that is synchronized with audio and/or visual presentations.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney E. Fuller whose telephone number is 571-272-2118. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney E Fuller
Primary Examiner
Art Unit 2851



September 20, 2005